

REMARKS

Claims 1-6 and 8-19 remain pending.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1-6 and 8-19 under 35 USC 112

The Office Action states that Applicants' arguments filed July 11, 2003 were fully considered but were not persuasive.

The Office Action reiterates the rejection of claims 1-6 and 8-19 under 35 USC 112, first paragraph, for including language relating to reception of a dial tone allegedly not supported by the specification. However, the rejected language was canceled from claims 1-6 and 8-19 in the response filed on November 10, 2003, not in the response the Examiner is apparently addressing dated July 11, 2003.

The language remaining in claims 1-6 and 8-19 is without reception of an available dial tone disclosed at, e.g., page 5, lines 13-17. Thus, it is respectfully requested that the rejection be withdrawn.

Claims 1-6 and 8-19 over Tendler in view of Official Notice

In the Office Action, claims 1-4, 6 and 8-19 were rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Tendler, U.S. Patent No. 5,555,286 ("Tendler") in view of Official Notice, with claim 5 being rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Tendler alone. The Applicants respectfully traverse the rejections.

Claims 1-6 and 8-19 recite a cordless telephone.

The Office Action continues to frustrate the Applicants with an allegation that a cordless telephone is analogous to a cellular telephone (Office Action, page 3).

To distinguish between a cordless telephone and a cellular telephone, Applicants claims recite a cordless telephone comprising a telephone

line interface to interface the base unit to a public switched telephone network. As the Examiner acknowledges, Tendler fails to disclose a based unit connected to a public switched telephone network (Office Action, page 3). However, the Examiner takes Official Notice that it is notoriously well known in the art that a wireless system may have a wireline connection in order to connect to other exchanges as well as long distance (Office Action, page 3).

The Examiner fails to take Official Notice to what the Examiner acknowledges Tandler fails to disclose, i.e., a based unit connected to a public switched telephone network.

Moreover, the Examiner fails to say what wireless systems have a wireline connection, with a generalized statement encompassing wireless devices. As the Examiner can see from Tendler, not all wireless systems include a wireline connection, especially a cellular telephone and cell cites that fail to connect to a public switched telephone network (see Tendler, Fig. 1). Tendler's cellular telephone and Official Notice still fails to disclose or suggest the cordless telephone that is connected to a public switched telephone network, as recited by claims 1-6 and 8-19.

Furthermore, the Applicants respectfully request the Examiner provide support for the Official Notice, since the Examiner alleges it is so notoriously well known in the art. Tendler teaches that is NOT so notoriously well known in the art to connect a cellular telephone to a wireline connection.

Moreover, claims 1-6 and 8-19 recite a dial tone.

To further distinguish a cordless telephone from a cellular telephone, Applicants claim a dial tone. A dial tone is available to a public switched telephone network telephone when such a telephone goes off-hook. A cellular telephone never receives a dial tone as it is not connected to a public switched telephone network, but to a cellular network that does not rely on tones to perform telephony operations.

The Applicants respectfully request the Examiner consider all of the limitations of the claims in their claimed context, not apparently the ones the Examiner chooses that allegedly read on the prior art.

Furthermore, the broadest reasonable interpretation cannot be inconsistent with the specification, which illustrates the claimed cordless telephone (see, e.g., Figure 1). Hence, “claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their ‘broadest reasonable interpretation.’” MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting In re Marosi, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)).

Moreover, Tendler is directed to a cellular phone based emergency vessel/vehicle location system, and is not within the field of the inventors’ endeavor, namely the cordless telephone art; further, Tendler is not reasonably pertinent to the particular problem with which the inventors were involved, namely providing an improved dialing method for a cordless telephone. Tendler provides no disclosure or suggestion of using a cordless telephone, and as such is non-analogous art. In re Wood, 202 USPQ 171, 174 (CCPA 1979).

Moreover, Applicants claims 1-6 and 8-19, further distinguishing over Tendler, recite a cordless telephone handset that initiates a telephone call based on receipt of a predetermined key sequence in an on-hook condition, while NOT receiving an available dial tone, and without a need to manually instruct the cordless telephone to go off-hook.

As discussed above, Tendler’s invention is directed to a cellular telephone system that, by its nature, fails to have an available dial tone. Thus, Tendler in view of Official Notice fails to disclose or suggest a cordless telephone performing any actions while NOT receiving an available dial tone, much less initiating a telephone call based on receipt of a predetermined key sequence in an on-hook condition and without a need to manually instruct the cordless telephone to go off-hook, as recited by claims 1-6 and 8-19.

The Examiner alleges that activation is automatic in Tendler and that any necessary button presses beyond the dialing sequence have been erroneously assumed by the Applicants, and that activation is clearly stated as being automatic (Office Action, page 2).

Tendler appears to disclose a user dialing 911, detection of the dialed sequence by a dialer/activation detector, and activation of an Emergency

Vessel/Vehicle Location system and a dialer module to cause the cellular telephone to go off-hook and dial the telephone number (see col. 2, lines 41-45).

Although Tendler fails to disclose user intervention is required in the process for sending a 911 telephone number once it is entered, Tendler also fails to disclose or suggest such an operation is automatic and without further manual input, as alleged by the Examiner. As Tendler fails to disclose such an operation is automatic, one can only assume that the disclosed cellular telephone operates in a conventional manner requiring user input to send the telephone number to the cellular network. Thus, even if Tendler disclosed a cordless telephone, which as lengthily discussed above Tendler fails to do, Tendler in view of Office Notice fails to disclose or suggest initiating a telephone call based on receipt of a predetermined key sequence in an on-hook condition and without a need to manually instruct the cordless telephone to go off-hook, as recited by claims 1-6 and 8-19.

Accordingly, for at least all the above reasons, claims 1-6 and 8-19 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df